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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,132	03/02/2004	Fu-Sheng Wang	0941-0923P	3011

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EXAMINER

CHU, DAVID H

ART UNIT	PAPER NUMBER
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2628

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/790,132

Applicant(s)

WANG, FU-SHENG

Examiner

David H. Chu

Art Unit

2628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 4-8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Acknowledgment is made of the amendment filed by the applicant on 05/22/2006, in which:
2. Dependent claim 9 was canceled;
3. Claims 1-9 are currently pending in U.S. Application Serial No. 10/7907,732 and an Office Action on the merits follows.

Drawings

4. The objection to the drawings is withdrawn in light of the applicant's petition to accept color drawings filed on 03/02/2004.

Claim Rejections - 35 USC § 112

5. The applicant has canceled claim 9.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claim 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamburg U.S. Patent No. 6,028,583.**

8. Note with respect to claim 1, Hamburg teaches the use of a “plurality of layers 52 and masks 56” for composite image manipulation, best shown in FIG. 6 (col. 3, line 65-66 & col. 4, line 8-22). To composite a plurality of layers and masks is the equivalent to merging a plurality of layers and masks as recited by applicant. To place an image in a layer for manipulation is the equivalent to initializing the layers and masks.

9. Further, to have pixel information of an image for an image layer is inherent. The teachings of Hamburg further show that the masks may be represented by pixels and include image objects and graphical objects (col. 4, line 15-18). Therefore, the masks and layers clearly have pixel information of the picture.

10. Further, Hamburg teaches the source for manipulation being a graphical image document (col. 3, line 65-67).

11. Further, Hamburg teaches the pixel values of the each of the masks being clearly determined according to the position of the pixels in the plurality of layers (col. 4, line 13-22)

12. Note further, Hamburg teaches combining opacity of in the first intermediate image with opacity in the second intermediate image to compose a third intermediate image (col. 3, line 1-22). Clearly, the third opacity is a function of the two images of different positions.

13. However, Hamburg does not expressly teach “translating the layers and masks to positions determined according to user input.”

14. It would have been obvious to one of an ordinary skill in the art to translate the graphical image document teachings of Hamburg to positions according to user input to carry out the desired multi-vision effect as claimed by applicant, because the user will be able to position the image as desired not being limited to the original position of the image.

15. Note with respect to claim 2, Hamburg teaches the masks of each layer containing “transparency information” (col. 4, line 14-22).

16. Note with respect to claim 3, Hamburg teaches the source for manipulation being a graphical image document as described above.

17. However, Hamburg does not expressly teach the number of layers and masks to be user defined.

18. It would have been obvious to one of an ordinary skill in the art to define the number of layers and masks by the user to allow added customization of the image.

19. Claims 4-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

20. The following is a statement of reasons for the indication of allowable subject matter:

21. As to claim 4, references Hamburg, Simard et al. and Adelson have been made of record as teaching the use of a plurality of layers and masks for graphic manipulation. However, none of the prior art teaches or suggests the use of the combination of parameters for defining a multi-vision effect, as presently claimed.

Response to Arguments

22. **Applicant's arguments filed 05/22/2006 have been fully considered but they are not persuasive.**

23. Note with respect to claim 1,

24. The applicant argues:

- a) The pixel data of Hamburg is determined by the **position of the pixels** in an image layer mask, **not a function of the positions of the masks.**
- b) Layers and masks are translated to positions determined **not according to user input.**

25. However, with respect to the first argument of applicant, the position recited in the claim does not explicitly indicate it being the position of masks. Therefore, the teachings of Hamburg, in which pixel data is determined according to the position of pixels, clearly is the equivalent to "determining pixel values of each of the masks according to the positions thereof," as recited by applicant.

26. Note further, Hamburg teaches combining opacity of in the first intermediate image with opacity in the second intermediate image to compose a third intermediate image (col. 3, line 1-22). Clearly, the third opacity is a function of the two images of different positions.

27. And further, the applicant merely states the examiner fails teach the limitation, "translating the layers and masks to positions determined according to user input," without presenting substantial grounds to overcome the official notice taken by the examiner.

28. The examiner stated in the previous action that it would have been obvious to compose the plural layered image according to user input, because the user will be able to position the image as desired not being limited to the original position of the image.

Conclusion

29. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David H. Chu whose telephone number is (571) 272-8079. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ulka Chauhan can be reached on (571) 272-7782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DHC


ULKA CHAUHAN
SUPERVISORY PATENT EXAMINER